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CLERK U S DISTRICT COURT DISTRICT OF ARIZONA	
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REDACTED FOR
PUBLIC DISCLOSURE

UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

United States of America,

Plaintiff,

v.

1.
2. Artemio Pena-Torrecillas,
(Counts 1-3, 7-10)

3.

4.

5.

Defendants.

No. **CR-11-0731-PHX-SRB**

**SECOND SUPERSEDING
INDICTMENT**

VIO: 21 U.S.C. § 846
(Conspiracy to Possess with Intent
to Distribute a Controlled
Substance)
Count 1

18 U.S.C. § 1956(h)
(Conspiracy to Commit Money
Laundering)
Count 2

18 U.S.C. §§ 922(g)(5) &
924(a)(2)
(Alien in Possession of Firearms)
Counts 3-6

21 U.S.C. §§ 841(a)(1) and
841(b)(1)(A)(viii)
(Possession With Intent to
Distribute Methamphetamine,
a Controlled Substance)
Counts 7 and 9

18 U.S.C. § 924(c)(1)(A)(i) &
924(c)(1)(C)(i)
(Possession of Firearm in
Furtherance of a Drug Trafficking
Crime)
Counts 8 and 10

18 U.S.C. § 2
(Aiding and Abetting)
Counts 7-10

21 U.S.C. § 853; 28 U.S.C. §
2461(c) and 18 U.S.C. § 982(a)(1)
(Forfeiture Allegation)

1 THE GRAND JURY CHARGES:

2 COUNT 1

3 On or between January 2011 and continuing through April 14, 2011 in the District of
4 Arizona and elsewhere, the defendants, Cruz Samuel Ortega-Ruano, ARTEMIO PENA-
5 TORRECILLAS, Gerardo Diarte-Lara, Francisco Torrecillas-Torres and Juan Martin Tapia-
6 Bernal did knowingly and intentionally combine, conspire, and agree together and with other
7 persons known and unknown to knowingly and intentionally possess with intent to distribute 500
8 grams or more of a mixture or substance containing a detectable amount of methamphetamine,
9 its salts, isomers, and salts of its isomers, a Schedule II Controlled Substance, in violation of
10 Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A)(viii).

11 All in violation of Title 21, United States Code, Section 846.

12 COUNT 2

13 On or between January 2011 and continuing through April 14, 2011 in the District of
14 Arizona and elsewhere, the defendants, Cruz Samuel Ortega-Ruano, ARTEMIO PENA-
15 TORRECILLAS, and Gerardo Diarte-Lara, did knowingly combine, conspire, confederate and
16 agree together, to knowingly conduct and attempt to conduct financial transactions affecting
17 interstate and foreign commerce, which in fact involved the proceeds of specified unlawful
18 activity, that is, conspiracy to possess with intent to distribute controlled substances in violation
19 of Title 21, United States Code, Sections 846 and 841(a)(1), with the intent to promote the
20 carrying on of said specified unlawful activity, and knowing that the transactions were designed
21 in whole and in part to conceal and disguise the nature, location, source, ownership and control
22 of the proceeds of said specified unlawful activity, and while knowing that the property involved
23 in the financial transactions represented the proceeds of some form of unlawful activity, in
24 violation of Title 18, United States Code, Section 1956(a)(1)(A)(i) and 1956(a)(1)(B)(i).

25 All in violation of Title 18, United States Code, Section 1956(h).

26 COUNT 3

27 On or about April 12, 2011, in the District of Arizona, the defendants, ARTEMIO PENA-
28 TORRECILLAS and Juan Martin Tapia-Bernal, being aliens illegally and unlawfully in the
United States, did knowingly and unlawfully possess seven (7) firearms, to wit: those listed in

1 Attachment B incorporated herein, which previously had been shipped or transported in
2 interstate and foreign commerce.

3 All in violation of Title 18, United States Code, Sections 922(g)(5) and 924(a)(2).

4 **COUNT 4**

5 On or between April 11, 2011 and April 13, 2011, in the District of Arizona, the defendant,
6 Juan Martin Tapia-Bernal, being an alien illegally and unlawfully in the United States, did
7 knowingly and unlawfully possess seven (7) firearms, to wit: one Romarm/Cugir 7.62x39mm
8 pistol model Draco serial number # DR-3846-09; one Romarm/Cugir 7.62x39mm pistol model
9 Draco serial number # DR-4526-09; one Romarm/Cugir 7.62x39mm pistol model Draco serial
10 number # DR-4110-09; one Romarm/Cugir 7.62x39mm pistol model Draco serial number # DR-
11 3922-09; one Fabrique National 5.7 rifle model P90 serial number # FN061845; one Fabrique
12 National 5.7 rifle model P90 serial number # FN051415; and one Colt .22 short pistol model
13 Junior serial number #54900CC, which previously had been shipped or transported in interstate
14 and foreign commerce.

15 All in violation of Title 18, United States Code, Sections 922(g)(5) and 924(a)(2).

16 **COUNT 5**

17 On or about April 13, 2011, in the District of Arizona, the defendants, Gerardo Diarte-Lara,
18 and Francisco Torrecillas-Torres, being aliens illegally and unlawfully in the United States, did
19 knowingly and unlawfully possess forty-six (46) firearms, to wit: those listed in Attachment A
20 incorporated herein, which previously had been shipped or transported in interstate and foreign
21 commerce.

22 All in violation of Title 18, United States Code, Sections 922(g)(5) and 924(a)(2).

23 **COUNT 6**

24 On or about April 12, 2011, in the District of Arizona, the defendant, Cruz Samuel Ortega-
25 Ruano, being admitted to the United States under a non-immigrant visa, did knowingly and
26 unlawfully possess seven (7) firearms, to wit: one Beretta 9mm pistol model 92FS serial number
27 #E39155Z; one Beretta 9mm pistol model 92FS serial number #D11150Z; one Beretta 9mm
28 pistol model M9 serial number # M9-123227; one F.N. Herstal 5.7 pistol model 5.7 serial

1 number #386205693; one Romarm/Cugir 7.62x39mm pistol model Draco serial number # DR-
2 4459-09; one Romarm/Cugir 7.62x39mm pistol model Draco serial number # DR-3548-09; and
3 one Colt .38 super model 38 Super Series 80 serial number #38SS01144, which previously had
4 been shipped or transported in interstate and foreign commerce.

5 All in violation of Title 18, United States Code, Sections 922(g)(5) and 924(a)(2).

6 **COUNT 7**

7 Beginning on or about April 9, 2011, and continuing through April 11, 2011, in the District
8 of Arizona, defendant ARTEMIO PENA-TORRECILLAS and others known and unknown to
9 the Grand Jury, each aiding and abetting the other, did knowingly and intentionally possess with
10 the intent to distribute 500 grams or more of a mixture or substance containing a detectable
11 amount of methamphetamine, its salts, isomers, or salts of its isomers, a Schedule II controlled
12 substance.

13 All in violation of Title 21, United States Code, Section 841(a)(1) and 841(b)(1)(A)(viii)
14 and Title 18, United States Code, Section 2.

15 **COUNT 8**

16 Beginning on or about April 9, 2011 and continuing through April 12, 2011, in the
17 District of Arizona, defendant, ARTEMIO PENA-TORRECILLAS and others known and
18 unknown to the Grand Jury, did use, carry, and possess in furtherance of the drug trafficking
19 offense seven firearms, to wit: those listed in Attachment B, incorporated herein, during and in
20 relation to a drug trafficking offense as defined in Title 18, United States Code, Section
21 924(c)(2), to wit: Conspiracy to Possess with Intent to Distribute Controlled Substances, as
22 alleged in Count 1 of this Second Superseding Indictment and Possession with Intent to
23 Distribute Methamphetamine, as alleged in Count 7 of this Second Superseding Indictment, each
24 a felony prosecutable in a Court of the United States and is re-alleged and incorporated by
25 reference herein.

26 All in violation of Title 18, United States Code, Sections 924(c)(1)(A)(i) and 2.

27 **COUNT 9**

28 Beginning on or about April 11, 2011, and continuing through April 13, 2011, in the

1 District of Arizona, defendant ARTEMIO PENA-TORRECILLAS and others known and
2 unknown to the Grand Jury, each aiding and abetting the other, did knowingly and intentionally
3 possess with the intent to distribute 500 grams or more of a mixture or substance containing a
4 detectable amount of methamphetamine, its salts, isomers, or salts of its isomers, a Schedule II
5 controlled substance.

6 In violation of Title 21, United States Code, Section 841(a)(1) and 841(b)(1)(A)(viii) and
7 Title 18, United States Code, Section 2.

8 **COUNT 10**

9 Beginning on or about April 11, 2011 and continuing through April 13, 2011, in the District
10 of Arizona, defendant, ARTEMIO PENA-TORRECILLAS and others known and unknown to
11 the Grand Jury, did use, carry, and possess in furtherance of the drug trafficking offense seven
12 firearms, to wit: those listed in Attachment C, incorporated herein, during and in relation to a
13 drug trafficking offense as defined in Title 18, United States Code, Section 924(c)(2), to wit:
14 Conspiracy to Possess with Intent to Distribute Controlled Substances, as alleged in Count 1 of
15 this Second Superseding Indictment and Possession with Intent to Distribute Methamphetamine,
16 as alleged in Count 9 of this Second Superseding Indictment, each a felony prosecutable in a
17 Court of the United States and is re-alleged and incorporated by reference herein.

18 In violation of Title 18, United States Code, Sections 924(c)(1)(A)(i), (c)(1)(C)(i) and 2.

19 **FORFEITURE ALLEGATION**

20 **Controlled Substances Act Violations**

21 Upon conviction of the offenses in violation of Title 21, United States Code, set forth in
22 Counts 1, 7, and 9, the defendants shall forfeit to the United States pursuant to Title 21, United
23 States Code, Section 853:

24 (1) any property constituting, or derived from, any proceeds obtained, directly or indirectly,
25 as the result of such violations; and

26 (2) any property used, or intended to be used, in any manner or part, to commit, or to
27 facilitate the commission of, such violations.

28 If any of the above-described forfeitable property, as a result of any act or omission of the

1 defendants,

2 (1) cannot be located upon the exercise of due diligence;

3 (2) has been transferred or sold to, or deposited with, a third person;

4 (3) has been placed beyond the jurisdiction of the Court;

5 (4) has been substantially diminished in value; or

6 (5) has been commingled with other property which cannot be subdivided without
7 difficulty,

8 it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to
9 seek forfeiture of any other property of said defendants up to the value of the above forfeitable
10 property.

11 All pursuant to Title 21, United States Code, Section 853, and Title 28, United States Code,
12 Section 2461(c).

13 **Money Laundering Violations**

14 Upon conviction of the offenses in violation of Title 18, United States Code, Section
15 1956, set forth in Count 2, the defendants shall forfeit to the United States, pursuant to Title
16 18, United States Code, Section 982(a)(1), any property involved in such offenses, and any
17 property traceable to such property. If any of the above-described forfeitable property, as a
18 result of any act or omission of the defendants,

19 (1) cannot be located upon the exercise of due diligence;

20 (2) has been transferred or sold to, or deposited with, a third person;

21 (3) has been placed beyond the jurisdiction of the Court;

22 (4) has been substantially diminished in value; or

23 (5) has been commingled with other property which cannot be subdivided without
24 difficulty,

25 it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p),
26 as incorporated by Title 18, United States Code, Section 982(b)(1) and Title 28, United
27 States Code, Section 2461(c), to seek forfeiture of any other property of said defendants up to
28 the value of the above forfeitable property.

1 All pursuant to Title 18, United States Code, Section 982(a)(1), and Title 28, United
2 States Code, Section 2461(c).

3 A TRUE BILL

4
5
6 S/
7 FOREPERSON OF THE GRAND JURY
8 Date: March 12, 2013

9
10 JOHN S. LEONARDO
11 United States Attorney
12 District of Arizona

13 S/
14 JONELL L. LUCCA
15 Assistant U.S. Attorney
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ATTACHMENT A

**46 Firearms recovered from a DEA Vehicle Stop of a BMW-X5 SUV that
departed from 2418 S. 82nd Lane, Phoenix, AZ:**

Romarm/Cugir 7.62 x 39mm rifle model GP-WASR 10/63UF, serial number 1971DB2561
Romarm/Cugir 7.62 x 39mm rifle model GP-WASR 10/63UF, serial number 1971DC3162
Romarm/Cugir 7.62 x 39mm rifle model GP-WASR 10/63UF, serial number 1981ZL3206
Romarm/Cugir 7.62 x 39mm rifle model GP-WASR 10/63UF, serial number 1982ZP6418
Romarm/Cugir 7.62 x 39mm rifle model GP-WASR 10/63UF, serial number 1969BN0826
Romarm/Cugir 7.62 x 39mm rifle model GP-WASR 10/63UF, serial number 1970DA3509
Romarm/Cugir 7.62 x 39mm rifle model GP-WASR 10/63UF, serial number 1971DA4277
Romarm/Cugir 7.62 x 39mm rifle model GP-WASR 10/63UF, serial number 1971DA4481
Romarm/Cugir 7.62 x 39mm rifle model GP-WASR 10/63UF, serial number 1971DF3673
Romarm/Cugir 7.62 x 39mm rifle model GP-WASR 10/63UF, serial number 1981ZL1348
Romarm/Cugir 7.62 x 39mm rifle model GP-WASR 10/63UF, serial number 1981ZL2259
Romarm/Cugir 7.62 x 39mm rifle model GP-WASR 10/63UF, serial number 1986ZV5874
Romarm/Cugir 7.62 x 39mm rifle model GP-WASR 10/63UF, serial number 1971DD2315
Romarm/Cugir 7.62 x 39mm rifle model GP-WASR 10/63UF, serial number 1972DJ0643
Romarm/Cugir 7.62 x 39mm rifle model GP-WASR 10/63UF, serial number 1981ZM0166
Romarm/Cugir 7.62 x 39mm rifle model GP-WASR 10/63UF, serial number 1985ZS2795
Romarm/Cugir 7.62 x 39mm rifle model GP-WASR 10/63UF, serial number 1968BF0419
Romarm/Cugir 7.62 x 39mm rifle model GP-WASR 10/63UF, serial number 1972DJ0635
Romarm/Cugir 7.62 x 39mm rifle model GP-WASR 10/63UF, serial number 1972DJ4986
Romarm/Cugir 7.62 x 39mm rifle model GP-WASR 10/63UF, serial number 1981ZL4832
Romarm/Cugir 7.62 x 39mm rifle model GP-WASR 10/63UF, serial number 1970DA3719
Romarm/Cugir 7.62 x 39mm rifle model GP-WASR 10/63UF, serial number 1971DF3886
Romarm/Cugir 7.62 x 39mm rifle model GP-WASR 10/63UF, serial number 1971DF4406
Romarm/Cugir 7.62 x 39mm rifle model GP-WASR 10/63UF, serial number 1974DN4368
Romarm/Cugir 7.62 x 39mm rifle model GP-WASR 10/63UF, serial number 1981ZL4009
Romarm/Cugir 7.62 x 39mm rifle model GP-WASR 10/63UF, serial number 1982ZR0676

- 1 Romarm/Cugir 7.62 x 39mm rifle model GP-WASR 10/63UF, serial number 1971DC3742
- 2 Romarm/Cugir 7.62 x 39mm rifle model GP-WASR 10/63UF, serial number 1974DP2841
- 3 Romarm/Cugir 7.62 x 39mm rifle model GP-WASR 10/63UF, serial number 1981ZL3906
- 4 Romarm/Cugir 7.62 x 39mm rifle model GP-WASR 10/63UF, serial number 1984ZN7667
- 5 Romarm/Cugir 7.62 x 39mm rifle model GP-WASR 10/63UF, serial number 1981ZM0234
- 6 Romarm/Cugir 7.62 x 39mm rifle model GP-WASR 10/63UF, serial number 1981ZL1874
- 7 Romarm/Cugir 7.62 x 39mm rifle model GP-WASR 10/63UF, serial number 1977ZB1698
- 8 Romarm/Cugir 7.62 x 39mm rifle model GP-WASR 10/63UF, serial number 1971DD1037
- 9 Romarm/Cugir 7.62 x 39mm rifle model GP-WASR 10/63UF, serial number 1971DC2634
- 10 Romarm/Cugir 7.62 x 39mm rifle model GP-WASR 10/63UF, serial number 1971DB0766
- 11 Romarm/Cugir 7.62 x 39mm rifle model GP-WASR 10/63UF, serial number AG58081989
- 12 Romarm/Cugir 7.62 x 39mm rifle model GP-WASR 10/63UF, serial number 1982ZP5800
- 13 Romarm/Cugir 7.62 x 39mm rifle model GP-WASR 10/63UF, serial number 1977ZB3947
- 14 Romarm/Cugir 7.62 x 39mm rifle model GP-WASR 10/63UF, serial number 1971DF3980
- 15 Romarm/Cugir 7.62 x 39mm pistol model DRACO, serial number DR-3352-09
- 16 Romarm/Cugir 7.62 x 39mm pistol model DRACO, serial number DR-4508-09
- 17 Romarm/Cugir 7.62 x 39mm pistol model DRACO, serial number DR-4038-09
- 18 Romarm/Cugir 7.62 x 39mm pistol model DRACO, serial number DR-4871-09
- 19 Romarm/Cugir 7.62 x 39mm pistol model DRACO, serial number DR-3306-09
- 20 Romarm/Cugir 7.62 x 39mm pistol model DRACO, serial number DR-4703-09

ATTACHMENT B

- 22 **7 Firearms recovered from 8116 W. San Miguel Avenue, Glendale, AZ:**
- 23 Beretta 9mm pistol, model M9, serial number M9-123227
- 24 Beretta 9mm pistol, model 92FS, serial number D11150Z
- 25 Beretta 9mm pistol, model 92FS, serial number E39155Z
- 26 Fabrique National pistol model 5.7, serial number 386205693
- 27 Colt .38 Super caliber pistol, serial number 38SS01144
- 28 Romarm/Cugir 7.62 x 39mm pistol model DRACO, serial number DR3548-09
- Romarm/Cugir 7.62 x 39mm pistol model DRACO, serial number DR4459-09

ATTACHMENT C

7 Firearms recovered from 10944 West Hazelwood, Phoenix, AZ:

Colt .22 caliber short pistol model junior, serial number 54900CC

Fabrique National 5.7 Rifle model PS90, serial number FN051415

Fabrique National 5.7 Rifle model PS90, serial number FN061845

Romarm/Cugir 7.62 x 39mm pistol model DRACO, serial number DR3922-09

Romarm/Cugir 7.62 x 39mm pistol model DRACO, serial number DR3846-09

Romarm/Cugir 7.62 x 39mm pistol model DRACO, serial number DR4526-09

Romarm/Cugir 7.62 x 39mm pistol model DRACO, serial number DR4110-09